

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: **FINANCE**

DATE: **AUGUST 10, 2011**

Committee Members Present:

Supervisors Thomas
 Taylor
 Goodspeed
 Monroe
 VanNess
 Kenny
 Merlino
 Conover

Committee Member Absent:

Supervisor Belden

Others Present:

Daniel G. Stec, Chairman of the Board
Paul Dusek, County Attorney/Administrator
Joan Sady, Clerk of the Board
Kevin Geraghty, Budget Officer
Supervisor Bentley
Supervisor Loeb
Supervisor McCoy
Supervisor McDevitt
Supervisor Strainer
Supervisor Wood
Rob Lynch, Deputy Treasurer
Amy Bartlett, First Assistant County Attorney
Julie Pacyna, Purchasing Agent
Kate Johnson, Director, Tourism
Jeff Tennyson, Superintendent, Public Works
Margaret Sing Smith, Director, Youth Bureau
Rob York, Director, Mental Health/Community
Services
Jon Alexander, *The Post Star*
Tony Hall, *Lake George Mirror*
*Please see attached sign-in sheet for all others
present*
Nicole Livingston, Deputy Clerk

Mr. Thomas called the meeting of the Finance Committee to order at 10:53 a.m.

Motion was made by Mr. Conover, seconded by Mr. Monroe and carried unanimously to approve the minutes of the July 6, 2011 Committee meeting, subject to correction by the Clerk of the Board.

Copies of the Finance Agenda were provided to the Committee members, and a copy of same is on file with the minutes.

Commencing the Action Agenda review, Mr. Thomas stated Item 1 were the requests for Transfer of Funds which were attached for Committee approval. He noted that Supervisory Committee approval had been obtained as necessary.

Motion was made by Mr. Conover, seconded by Mr. Goodspeed and carried unanimously to approve Item 1 as outlined above. The necessary resolution was authorized for the next board meeting.

Mr. Thomas advised Item 2 was a referral from the Health Services Committee, Westmount Health Facility, requesting to amend the 2011 County budget to increase estimated revenues and appropriations in the amount of \$146,691 to reflect receipt of unbudgeted Medicaid funds resulting from 2008-2011 rate changes.

Motion was made by Mr. Taylor, seconded by Mr. Merlino and carried unanimously to approve Item 2 as outlined above. The necessary resolution was authorized for the next board meeting.

Mr. Thomas asserted Item 3 was a referral from the Human Services Committee, Employment & Training Administration, requesting to amend the 2011 County budget to increase estimated revenues and appropriations in the amount of \$15,046 to reflect receipt of Federal funds to reimburse for training for eligible adults.

Motion was made by Mr. Goodspeed, seconded by Mr. VanNess and carried unanimously to approve Item 3 as outlined above, and the necessary resolution was authorized for the next board meeting.

Mr. Thomas stated Item 4 was a referral from the Mental Health Committee, requesting a Contingent Fund transfer in the amount of \$7,200 to Codes A.4389 435 Psychiatric Exp./Non Criminal-Medical Fees and A.4390 435 Psychiatric Exp./Criminal-Medical Fees to cover expenses through the remainder of 2011.

Motion was made by Mr. VanNess and seconded by Mr. Goodspeed to approve the request as presented.

In response to an inquiry as to whether or not the evaluations were mandated, Paul Dusek, County Attorney/Administrator, explained that the evaluations were ordered by the Court and during the budget process they had budgeted extremely conservatively. Mr. Thomas referenced the explanation provided by Rob York, Director of Mental Health/Community Services, that was included in the Agenda packet and reviewed the document in detail with the Committee members.

Mr. Thomas called the question and the motion was carried unanimously to approve Item 4 as outlined above, and the necessary resolution was authorized for the next board meeting.

Mr. Thomas remarked Items 5A through D were referrals from the Public Safety Committee. Items 5A and B, he continued, were referred from Fire Prevention & Building Code Enforcement. He advised Item 5A was a request to amend the 2011 County budget to increase estimated revenues and appropriations in the amount of \$13,275 to reflect expenditure for two less than part-time employees, retirement benefits and added revenues.

Motion was made by Mr. VanNess, seconded by Mr. Conover and carried unanimously to approve Item 5A as outlined above, and the necessary resolution was authorized for the next board meeting.

Mr. Thomas added Item 5B was requesting a Contingent Fund transfer in the amount of \$9,198 to Code A.3620 130 Building & Fire Code Salaries-Part Time to cover the lack of funds in the part-time code for two new part-time employees.

Motion was made by Mr. VanNess, seconded by Mr. Monroe and carried unanimously to approve Item 5B as outlined above, and the necessary resolution was authorized for the next board meeting.

Mr. Thomas apprised Item 5C was referred from the Office of Emergency Services, requesting to amend the 2011 County budget to increase estimated revenues and appropriations in the amount of \$113,349 to reflect receipt of the SHSP (State Homeland Security Program) FFY 2010 grant.

Motion was made by Mr. Merlino, seconded by Mr. VanNess and carried unanimously to approve Item 5C as outlined above, and the necessary resolution was authorized for the next board meeting.

Mr. Thomas informed Item 5D was referred from the Sheriff & Communications, requesting to terminate the Software Maintenance Contract with New World effective December 31, 2011.

Motion was made by Mr. Goodspeed and seconded by Mr. VanNess to approve the request as presented.

Mr. VanNess acknowledged Shawn Lamouree, Major, and Michael Colvin, Computer Programmer, were present to address any questions relative to this request. He noted that the new system that the Sheriff's Office was pursuing would be more compatible with the City of Glens Falls if and when the consolidation of dispatching services occurred and would also be more user friendly than the New World System. Amy Bartlett, First Assistant County Attorney, informed that she had been in contact with the representatives from New World on a number of occasions, and had recently forwarded a letter to New World advising of the County's desire to terminate the contract early. Major Lamouree agreed that New World had been afforded many opportunities to meet the terms of the agreement and they had failed to do so.

Following discussion, Mr. Thomas called the question and the motion was carried unanimously to approve Item 5D as outlined above, and the necessary resolution was authorized for the next board meeting.

Mr. Thomas expounded Item 6 was a referral from the Public Works Committee, DPW, requesting to increase Capital Project No. H277.9550 280 Beach Road (CR 51) Reconstruction in the amount of \$142,780 for Supplemental Agreement No. 4 to the Master Agreement to cover the cost of extra preliminary engineering and right-of-way acquisitions, with the source of funding to be 80% Federal share (\$116,780) and 15% State Marchiselli share (\$26,000). He noted there was no local match needed at this time.

Motion was made by Mr. Conover and seconded by Mr. Monroe to approve the request as presented.

Mr. Monroe questioned why there was no local match required and Mr. Dusek confirmed that a local match would be required in the future, just not at this time.

Mr. Thomas called the question and the motion was carried unanimously to approve Item 6 as outlined above, and the necessary resolution was authorized for the next board meeting.

Mr. Thomas advised Item 7 was a referral from the Social Services Committee, Youth Bureau, requesting a Contingent Fund transfer in the amount of \$10,000 to Code A.7313 470 Youth Court Contract to increase funds for the Warren County Youth Court to continue operation through 2011.

Motion was made by Mr. Merlino and seconded by Mr. Kenny to approve the request as presented.

Mr. Loeb commented that the District Attorney and the Director of Probation had both stated that the outcome from the activities of Youth Court was much better for the community than if the children were to go into the adult system.

Mr. Thomas called the question and the motion was carried unanimously to approve Item 7 as outlined above, and the necessary resolution was authorized for the next board meeting.

Mr. Thomas stated Items 8A through C were referrals from the Support Services Committee. Items 8A and B, he said, were referred from the Clerk of the Board, and Item 8A was a request to amend Resolution No. 295 of 2011 to increase the amount for professional services relative to Common Carrier Rules and STB Filings to not exceed \$2,500.

Motion was made by Mr. Monroe and seconded by Mr. VanNess to approve the request as presented.

Mr. Dusek explained that Resolution No. 295 of 2011 authorized the retention of Thorpe, Reed & Armstrong, LLP to assist with the railroad transition and the STB Federal Government rules and regulations. He further stated that the resolution authorized up to \$2,000 to be transferred from the Contingent Fund for these services; however, he said, the total came to \$2,500 for Warren County's share.

Mr. Thomas called the question and the motion was carried unanimously to approve Item 8A as outlined above, and the necessary resolution was authorized for the next board meeting.

Mr. Thomas added Item 8B was requesting a Contingent Fund transfer in the amount of \$2,500 to Code A.1010 440 Legislative Board-Legal/Transcript Fees as authorized by Resolution No. 295 of 2011 for the invoice received from Thorp, Reed & Armstrong, LLP.

Motion was made by Mr. Taylor, seconded by Mr. Merlino and carried unanimously to approve Item 8B as outlined above, and the necessary resolution was authorized for the next board meeting.

Mr. Thomas informed Item 8C was an update by the Purchasing Agent on the office supply savings that has been realized over the last few years.

Julie Pacyna, Purchasing Agent, referred to a handout in the Agenda packet which provided a detailed account of the annual office supply expenses since 2007 when the transition was made from having a Stockroom to desk top delivery. She expounded since 2007, a total savings of approximately \$92,000 had been realized. She noted that last year the cost for toner was 30% of total expenses in office supplies compared to this year, as of July 8, the cost had decreased to 18% of office supply expenses. Mrs. Pacyna discussed the new bid structure that had been implemented which led to significant discounts on certain items. She advised that almost all of the inventory in the Stockroom had been depleted and she expected the closure of that by the end of the year. She added that a savings of over \$20,000 had been realized in 2011 from the salary of the Storekeeper.

Mr. Dusek reported that the closure of the Stockroom had added duties onto the Purchasing Department and Mrs. Pacyna was willing to take on those additional duties. He recognized Mrs. Pacyna as a true professional, not only for the information before the Committee members today, but for all of the work she did on a daily basis.

Concluding the Action Agenda review, Mr. Thomas informed Item 9 was a request for Finance Committee action which was required on the following items that were approved by the Personnel Committee: Item Nos. 1, 2B, 3D, 7A and 8B.

Motion was made by Mr. Kenny, seconded by Mr. Taylor and carried unanimously to approve Item 9 as outlined above, and the necessary resolution was authorized for the next board meeting.

Mr. Thomas referred to Item IV. Topics to be reported on/discussions/updates and noted Item 1, was the response to the Budget Analysis Report from the County Treasurer as prepared by JoAnn McKinstry, Assistant to the County Administrator, which was attached for review.

Mr. Thomas apprised Items 2A through D were requests from Mr. Dusek to address the Committee. He said Item 2A was a request for a supplement to the Police Supervisors Collective Bargaining Agreement to address an omission.

Mr. Dusek expounded that the County had entered into an agreement with the Lieutenants Union, which specifically named three individuals and identified their salaries. Since that time, he continued, it was determined that one individual had inadvertently been left out. He explained that there was a Lieutenant that had started with the negotiations and was a part of that unit for the first year and part of the second year and was due the retroactivity as the others were receiving for the year. He listed the due amounts as follows: \$800 for 2010 and \$492.35 for 2011, and he noted that after that he had left the unit and became a Major. He reiterated that an amendment was needed in order to provide the proper payment due to the individual in the amount of \$1,292.35.

Motion was made by Mr. VanNess, seconded by Mr. Conover and carried unanimously to approve Item IV. 2A as outlined above, and the necessary resolution was authorized for the next board meeting.

Mr. Thomas informed Item 2B was a request to amend Resolution No. 214 of 2011 to reduce the amount and term of the lease for motorcycles.

Mr. Dusek asserted that the Sheriff's Office was desirous of ending the term of the lease earlier than usual, which would save the County money and the plan was to purchase motorcycles through the Sheriff's Asset Forfeiture monies.

Motion was made by Mr. Monroe, seconded by Mr. Goodspeed and carried unanimously to approve Item IV. 2B as outlined above, and the necessary resolution was authorized for the next board meeting.

Mr. Thomas remarked Item 2C was requesting a six month extension of the grant for the 2008 SLETPP (State Law Enforcement Terrorism Prevention Program).

Mr. Dusek announced that this was a no cost extension and would allow for the expenditure of the remaining funds in that particular grant.

Motion was made by Mr. VanNess, seconded by Mr. Monroe and carried unanimously to approve Item IV. 2C as outlined above, and the necessary resolution was authorized for the next board meeting.

Mr. Thomas reported Item 2D pertained to the Lake George Asian Clam Task Force and an update by the Task Force.

Walt Lender, Executive Director of the Lake George Association, distributed copies of a power point presentation to the Committee members, a copy of which is on file with the minutes. Mr. Lender began by thanking the County for their support of this project so far. He reviewed the handout in detail, which provided background information on the Asian Clam; the impacts of such clams; the extent of Asian Clams infestation found at the Lake George Village site; and the action that had been taken thus far to eradicate the clams from Lake George. He advised that a fall treatment was being planned to catch areas where they were unable to place the necessary mats down and the project had been extended through September. Mr. Lender informed that additional locations had been identified in which the Asian Clam had been found. In conclusion, he requested the Committee to consider helping the Task Force finish the project in the Village of Lake George and to also establish a source of funding to handle the additional locations recently discovered.

Dave Decker, Lake George Watershed Coalition, remarked that Mr. Conover had held a forum in Bolton recently that was attended by State and Federal Legislators, the Assistant Commissioner of the New York State Department of Environmental Conservation (NYS DEC) and the head person in charge of invasive species for the totality of the State, all of whom heard the same message that was being presented today. He noted that all parties involved had pledged support in some form. Mr. Decker added that it was important to finish the initiative that had been started in the Village and to attack the other sites as soon as the resources were available to do so.

Mr. Merlino recommended that funding from the occupancy tax be utilized to contribute to the Task Force and to put a hold on any new funding applications for a year and continue to support the ones that were funded in the past. Out of the \$350,000, he continued, he would like to take \$100,000 and put it towards the Asian Clam eradication and only give out \$250,000 to special events. He added if all the towns gave up 10% of their bed tax money for one year to put towards this cause, that would be \$200,000 that could go to the Task Force.

Mr. Taylor questioned to what extent the property owners were contributing to the fund for this project and Mr. Lender responded that they had not approached property owners individually to contribute towards this. He further stated that they had approached the towns around the Lake, the non-profit organizations, the Lake George Park Commission, the NYS DEC and the Lake Champlain Basin Program, all of which

had been the main sources of funding thus far. Mr. Lender asserted that they were just looking for the property owners cooperation at this point because this was a very disruptive project for the property owners during the summer.

Mr. Monroe wondered if Washington County and Essex County had contributed and Mr. Lender reported that at the request of the Board of Supervisors, they had approached both Essex County and Washington County and had received donations from them, as well as donations from all the individual towns on the other side of the Lake, except for Fort Ann. Mr. Monroe pointed out that long term, dedicated funding sources would need to be secured to maintain this project, possibly by establishing a district to handle this. Mr. Lender agreed that long term funding would need to be addressed; however, he said, securing short term funding was needed immediately.

Chairman Stec apprised a multifaceted attack would be necessary, not just at the County or the State level. He opined that this problem was introduced by people that were using the Lake for recreational purposes and he supported the idea of implementing a boat or dock fee that was dedicated to this project.

Mr. Lender advised that State Legislation would support this and there were two draft laws that had not gone through the process in Albany, one was a Transport Law, forbidding the transport of invasive species on a boat anywhere in New York State; and the other was a law that dealt with the sale of invasive species. Those, he said, were true long term solutions and many other States had moved in that direction and they would like to see New York State move that forward in the next Legislative session.

Mr. Conover suggested that the matter be referred to the Occupancy Tax Coordination Committee, as recommended by Mr. Merlino. Mr. Kenny expressed his support of utilizing occupancy tax funds towards this project and he further stated that property and business owners on the Lake should bear some responsibility in this, as well. He concluded that tourism in Warren County revolved around Lake George.

Motion was made by Mr. Kenny and seconded by Mr. Conover to refer the request for additional funding for the Lake George Asian Clam Task Force to the Occupancy Tax Coordination Committee for consideration.

Mr. Bentley opined that the County should ask the Legislators to put this at the top of the list for Environmental Protection Fund monies, above the purchase of any land anywhere in the State of New York because this was much more important than buying another piece of land.

Chairman Stec asked what authorities the County had at the local law level regarding trying to address invasive species. Mr. Dusek said he would have to research it because it would be complicated due to the fact that the bottom of the Lake was

owned by the State, Washington County was on the other side and any kind of effective local law would have to be adopted by Washington County, as well.

Mr. McCoy said there was a line item in the State Budget for invasive species and he suggested that the County request that the line item be increased or dedicated to eradicate the clams in Lake George for at least a year or two.

Mayor Blais said he supported the County taking some of the Village's funds that were distributed from occupancy tax and the Village would include a line item in their budget this year and he encouraged all of the towns around the Lake to do the same. He said the Village's would be for \$30,000 and if the towns around the Lake contributed a line item of approximately \$30,000, the Village would match that. He noted that there was a line item in the Federal Budget for invasive species, as well. He recommended that a resolution be passed at the County level to seek funding from the Federal Budget. He also suggested that a Committee be formed within the Task Force to go after the property owners along the Lake that had a great stake in this. Mayor Blais added the County should consider passing a resolution to the Lake George Park Commission about initiating an additional fee for boats on Lake George, which would raise a considerable amount of money.

Following discussions, Mr. Thomas called the question and the motion was carried unanimously to refer the request for additional funding for the Lake George Asian Clam Task Force to the Occupancy Tax Coordination Committee for consideration.

Motion was made by Mr. Monroe, seconded by Mr. VanNess and carried unanimously to formally request the State and Federal Legislators to assist with the Asian Clam eradication problem and to ask the other regional bodies, towns and villages to pass similar resolutions; and to refer to the Legislative & Rules Committee for consideration, along with the following requests: requesting State Legislators support the use of Environmental Protection Fund monies for the eradication of Asian Clams in Lake George and prioritize it above the purchase of additional land; requesting the Lake George Park Commission to initiate an additional fee for boats on Lake George in order to generate additional funds toward the eradication of the Asian Clams in Lake George; and the County Attorney to research the authority of the County to enact a local law regarding Aquatic Invasive Species due to the bottom of the lake being owned by the State and portions of the lake being owned by Washington County.

Mr. Thomas thanked everyone for coming to the meeting today to discuss this matter and he recognized the seriousness of the situation.

Prior to adjourning, Mr. Dusek advised an executive session was needed to discuss matters leading to the appointment of a particular person and pending litigation involving pharmaceutical companies.

Motion was made By Mr. Taylor, seconded by Mr. VanNess and carried unanimously that executive session be declared pursuant to Sections 105 (d) and (f) of the Public Officers Law.

Executive session was declared from 12:09 p.m. to 12:17 p.m.

The Committee reconvened. Pursuant to the executive session, motion was made by Mr. Goodspeed, seconded by Mr. Taylor and carried by a majority vote, with Mr. Conover voting in opposition, to appoint Martin Auffredou as County Attorney, with an annual salary of \$110,000. The necessary resolution was authorized for the next board meeting.

Motion was made by Mr. Monroe, seconded by Mr. VanNess and carried unanimously to accept the settlements from three various pharmaceutical companies relative to the litigation concerning the multiple pharmaceutical companies that had been sued. The necessary resolution was authorized for the next board meeting.

There being no further business to come before the Committee, on motion made by Mr. Monroe and seconded by Mr. Goodspeed, Mr. Thomas adjourned the meeting at 12:20 p.m.

Respectfully submitted,

Nicole Livingston, Deputy Clerk